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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

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11 UNITED STATES OF AMERICA for the Use and
12 Benefit of WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS, and WEBCOR
13 CONSTRUCTION, INC. dba WEBCOR
BUILDERS,

14

Plaintiffs,

15

vs.

16

DICK/MORGANTI, a joint venture, DICK
CORPORATION, THE MORGANTI GROUP,
17 AMERICAN CASUALTY COMPANY OF
READING, PA, NATIONAL UNION FIRE
18 INSURANCE COMPANY OF PITTSBURGH, PA,
and DOES 1 through 10, inclusive,

19

Defendants.

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21 AND RELATED COUNTER-CLAIMS AND
22 THIRD PARTY CLAIMS.

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Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party
Complainants DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP,
AMERICAN CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA (together, “D/M”) and Plaintiff WEBCOR
CONSTRUCTION, INC. dba WEBCOR BUILDERS (“Webcor”) hereby stipulate and agree that

Case No.: 3:07-CV-02564-CRB

**STIPULATION AND [PROPOSED]
ORDER FURTHER EXTENDING
TIME TO FILE ANSWER**

Before: Hon. Charles R. Breyer

1 the deadline for D/M to file an answer to Webcor's complaint, as well as the time for D/M to file a
2 counterclaim, if any, be further extended for two months, to January 30, 2009. The parties and
3 their representatives continue to meet and discuss various issues, including how Webcor's claims
4 will be passed through to the Project owner. There is also a status conference set for January 12,
5 2009 in the appeals arising from the Project that are before the Civilian Board of Contract
6 Appeals. In the meantime, the parties prefer to avoid spending time on litigation activities and
7 filings in the case, and therefore stipulate to this further extension of time.

8 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a
9 counterclaim has been extended twice before. Additionally, there have been other time extensions
10 in this case, including time extensions in connection with case management conferences.

11 A declaration in support of this stipulated request is attached.
12

13 Dated: November 20, 2008

THELEN LLP
101 Second Street, Suite 1800
San Francisco, California 94105
Tel. 415.371.1200 // Fax 415.371.1211

16 /s/ *John W. Ralls*
17 By: _____
18 John W. Ralls
19 Attorneys for Defendants, Counter-Claimants
20 and Third Party Complainants
DICK/MORGANTI, DICK CORPORATION,
THE MORGANTI GROUP, AMERICAN
CASUALTY COMPANY OF READING, PA,
and NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

21 Dated: November 20, 2008

BOWLES & VERNA LLP
2121 N. California Boulevard, Suite 875
Walnut Creek, California 94596
Tel. 925.935.3300 // Fax 925.935.0371

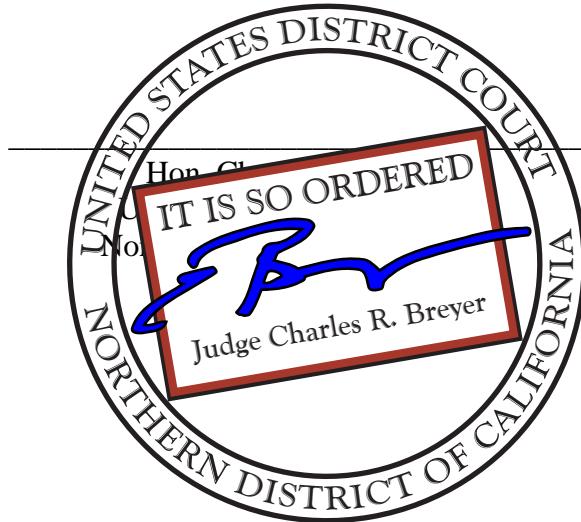
24 /s/ *Kenneth G. Jones*
25 By: _____
26 Kenneth G. Jones
27 Attorneys for Plaintiff
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS

ORDER

2 The deadline for Defendants, Counter-Claimants, and Third Party Complainants
3 DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP, AMERICAN
4 CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE INSURANCE
5 COMPANY OF PITTSBURGH, PA (together, “D/M”) file an answer to the complaint of Plaintiff
6 WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS (“Webcor”), as well as the time
7 for D/M to file a counterclaim, if any, is further extended to January 30, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

10 | Dated: November 24, 2008



DECLARATION OF JOHN W. RALLS

I, John W. Ralls, declare:

1. I am an attorney-at-law, a partner with Thelen LLP and counsel of record for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, THE MORGANTI GROUP, AMERICAN CASUALTY COMPANY OF READING, PA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA (together, “D/M”).

9 2 Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS
10 ("Webcor"), on the one hand, and D/M, on the other, have agreed to continue to discuss various
11 issues, including how Webcor's claims will be passed through and presented to the Project owner.
12 There is also a status conference set for January 12, 2009 in the appeals arising from the Project
13 that are before the Civilian Board of Contract Appeals. In the meantime, the parties prefer to
14 avoid spending time on litigation activities and filings in this case. Therefore, the parties have
15 stipulated and agreed to extend the deadline for D/M to file an answer to Webcor's complaint, as
16 well as the time for D/M to file a counterclaim, if any, to January 30, 2009.

17 3. The parties have previously stipulated, and the Court has previously allowed, an
18 extension for the response to the complaint and counterclaim. Additionally, there have been other
19 time extensions in this case, including time extensions in connection with case management
20 conferences.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on November 20, 2008, in San Francisco, California.

John W. Ralls